

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE ANTONIO RODRIGUEZ,

Petitioner,

v.

COALINGA STATE HOSPITAL,

Respondent.

Case No. [21-cv-04554-WHO](#) (PR)

ORDER OF DISMISSAL

Dkt. No. 8

After petitioner Jose Antonio Rodriguez filed an incomplete habeas application, the Clerk sent him a notice directing him to file a complete application, along with another habeas application and instructions for completing the application. (Dkt. No. 4.) Rodriguez filed a second petition, but this one fails to correct the deficiencies in the first. (Dkt. No. 7.) Neither petition stated any facts, let alone such crucial information as the (i) date, terms, and the court of sentencing; and (ii) grounds for challenging his detention.

Also, Rodriguez's application to proceed *in forma pauperis* (IFP) is incomplete — it lacks a prison trust account statement showing transactions for the last six months. (Dkt. No. 8.) He was sent a Clerk's Notice regarding this deficiency, but failed to correct it. (Dkt. No. 6.)

Accordingly, this federal habeas action is **DISMISSED** (without prejudice) for failing to comply with the Clerk's Notices and for failing to prosecute, *see* Federal Rule of Civil Procedure 41(b).

Because this dismissal is without prejudice, Rodriguez may move to reopen. Any such motion must contain (i) a complete application to proceed IFP, and (ii) a habeas application that is completely and appropriately filled out.

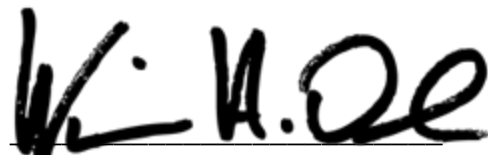
Rodriguez's IFP application is DENIED as incomplete. (Dkt. No. 8.)

A certificate of appealability will not issue. Petitioner has not shown "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The Clerk shall terminate all pending motions, enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: September 22, 2021

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

WILLIAM H. ORRICK
United States District Judge